PLAINTIFF'S EXHIBIT

112

MINUTES

WALLER COUNTY COMMISSIONER'S COURT REGULAR SESSION WEDNESDAY – OCTOBER 11, 2017

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 11th day of October 2017 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:02 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge John A. Amsler, Commissioner Precinct 1 Russell Klecka, Commissioner Precinct 2 Jeron Barnett, Commissioner Precinct 3 Justin Beckendorff, Commissioner Precinct 4 Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Barnett

Approval of Agenda.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon - Yes

Commissioner Amsler - Yes

Commissioner Klecka

- Yes

Commissioner Barnett - Yes

Commissioner Beckendorff - Yes

PUBLIC COMMENT

- DeWayne Charleston addressed the court with his concerns on the early voting polling locations for the upcoming election in November.
- 2. Bob Gage addressed the court regarding consent agenda item #6.
- 3. Denise Mattox, MD addressed the court with her concerns regarding agenda item #14.
- 4. Herschel Smith commented on his concerns with Waller County.
- Valda Combs commented on her concerns regarding the polling locations selected for early voting in November.
- Student representative from Prairie View A&M University addressed the court with his concerns on the early voting polling locations for the November Election.

CONSENT AGENDA (2-7 Items)

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

- Approval of the minutes October 4, 2017 Regular Session
- Request to approve payment on the following:
 - (a) \$21,250.00 for Invoice # 1704 to Waller County Economic Development from line item 125-411-547200 [Economic Development].
 - (b)\$940.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

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- (c) \$1,015.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
- (d) \$200.00 for Invoice # 239595 to Texas Judicial Academy from line item 125-562300 [County Organizational Dues].
- 4. Request by County Treasurer for approval of payroll.
- 5. Request by County Auditor for approval and/or ratification of Accounts Payable.
- Discuss and approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.
- Discuss and take action to approve a utility permit to place a Groundwater monitoring well within the ROW of Houston Highway by AD Environmental Services, LLC for Korlczyk's Meat Market.

Motion to approve consent agenda items by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon - Yes Commissioner Amsler - Yes Commissioner Klecka - Yes Commissioner Barnett - Yes Commissioner Beckendorff - Yes

PROCLAMATION

 Discuss and take action to approve the Proclamation declaring October 2017 as Domestic Violence Awareness Month in Waller County.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes Commissioner Amsler – Yes Commissioner Klecka – Yes Commissioner Barnett – Yes Commissioner Beckendorff – Yes

 Discuss and take action to approve the Proclamation declaring October 2017 as Breast Cancer Awareness Month in Waller County.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes Commissioner Amsler – Yes Commissioner Klecka – Yes Commissioner Barnett – Yes Commissioner Beckendorff – Yes

COUNTY JUDGE

 Discuss and take action to approve the transfer of \$250.00 from line item 125-440-563000 [Training & Conference] to line item 125-440-581816 [Air Card/Wireless].

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon - Yes Commissioner Amsler - Yes Commissioner Klecka - Yes Commissioner Barnett - Yes Commissioner Beckendorff - Yes

TREASURER

 Discuss and take action to approve CJD Sexual Assault Investigator Grant Salary Order. Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett. Motion carried.

Judge Trey Duhon - Yes Commissioner Amsler - Yes Commissioner Klecka - Yes Commissioner Barnett - Yes Commissioner Beckendorff - Yes

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CONSTABLE PRECINCT 2

Discuss and take action to approve the official bond for Timothy Peters and Brian 12. Murray for reserve deputy constables for Precinct 2.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett. Motion carried.

Judge Trey Duhon - Yes

Commissioner Amsler – Yes

Commissioner Klecka

- Yes

Commissioner Barnett - Yes

Commissioner Beckendorff - Yes

ELECTIONS ADMINISTRATOR

13. Discuss and take action to approve an additional polling location for the duration of Early Voting for the November 7, 2017 Special Election.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett.

Court recessed at 10:22 a.m.

Court reconvened at 10:33a,m.

Motion carried.

Judge Trey Duhon - Yes

Commissioner Amsler – Yes

Commissioner Klecka

- Yes

Commissioner Barnett - Yes

Commissioner Beckendorff - Yes

COUNTY ENGINEER

14. **Discuss** possible revisions to the Fee Schedule for the Road and Bridge Department. *No action required.*

15. Discuss and take action to accept the proposal from Arborleaf Engineering & Surveying, Inc. to design the proposed intersection improvements at FM 1488 and Hegar Rd for an amount not to exceed \$33,490.00 to be paid from line item 125-600-581615 [Capital Outlay].

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Klecka. Motion carried.

Commissioner Amsler – Yes

Commissioner Klecka

Judge Trey Duhon - Yes

Commissioner Barnett - Yes

Commissioner Beckendorff - Yes

MISCELLANEOUS

Discuss and take action to adopt the order provided by bond counsel supplementing the order calling a bond election on November 7, 2017 to reflect an additional early voting location.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett. Motion carried.

Commissioner Amsler – Yes

Commissioner Klecka

- Yes

Judge Trey Duhon - Yes

Commissioner Barnett – Yes

Commissioner Beckendorff - Yes

AUDITOR

Spread upon the minutes the Certification of Funds for the WF- Violence Against 17. Women Formula Grant, Grant #3443601, in the amount of \$58,131.00 for the Waller County Sheriff's Office. No action required.

18. Request by County Auditor for approval to amend the 2017-2018 Grant Budget to accommodate the WF- Violence Against Women Formula Grant, Grant #3443601, in the amount of \$58,131.00 for the Waller County Sheriff's Office.

Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett. Motion carried.

Judge Trey Duhon - Yes

Commissioner Amsler - Yes Commissioner Barnett - Yes Commissioner Klecka

Commissioner Beckendorff - Yes

19. Request by County Auditor for approval of quarterly reimbursement of Juror Payments. Motion to approve by Commissioner Beckendorff, seconded by Commissioner Barnett. Motion carried.

Commissioner Amsler - Yes

Commissioner Klecka

Judge Trey Duhon - Yes

Commissioner Barnett - Yes

Commissioner Beckendorff - Yes

EXECUTIVE SESSION

- 20. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- 21. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

No Executive Session needed.

ADJOURN MEETING

Motion to adjourn meeting by Commissioner Barnett, seconded by Commissioner Beckendorff. Motion carried.

Judge Trey Duhon - Yes

Commissioner Amsler - Yes Commissioner Barnett - Yes

Commissioner Klecka

Commissioner Beckendorff - Yes

Meeting was ADJOURNED at 11:15 a.m.

APPROVED this the 18th day of October 2017

Carbett "Trey" J. Duhon, III

County Judge

ATTEST:

Debbie Hollan, County Clerk

And Ex-Officio Clerk of the Commissioners

Court of Waller County, Texas



2018 JOINT PRIMARY ELECTION SERVICES CONTRACT WITH THE COUNTY ELECTIONS OFFICER STATE OF TEXAS, COUNTY OF WALLER

THIS CONTRACT is entered into for and in consideration of the mutual covenants and promises hereinafter set out, and for the purpose of ensuring that the Contracting Officer and the Party understand the tasks each is to perform in connection with the election and the runoff election:

- 1. Duties and Services of the Contracting Officer. The Contracting Officer shall be responsible for performing the following duties and furnishing the following services and equipment (strike out any not being performed by the C.O., except those required by Section 172.126, Texas Election Code) in connection with the election and the runoff election. Pursuant to Chapter 173 of the Texas Election Code, election services, equipment, and materials ordered from a Texas-certified voting system vendor shall be reported to the Office of the Secretary of State ("SOS") by the vendor and the SOS shall pay the vendor directly. Election services, equipment, and materials described in this contract provided by the contracting officer shall be reported to the SOS via the SOS-prescribed primary finance system by the contracting officer and the SOS shall pay the contracting officer directly. Any statutory duties required of the contracting officer shall be a cost born by the county. Costs not payable with state-appropriated primary funds, including candidate filing fees, shall be paid from non-state funded sources.
 - 1.1 In accordance with Section 172.126(b), Texas Election Code, determine whether to consolidate election precincts under Section 42.009, Texas Election Code, and

designate the location of the polling place in a consolidated precinct. In the event that the county is approved to use countywide polling places in accordance with Section 43.007(a)(4). Texas Election Code, and if the county chairs of both political parties agree in writing to the use of such countywide polling places, the Contracting Officer shall use the county methodology described in Section 43.007(f), Texas Election Code, to determine the countywide polling places for the election and runoff election.

- In accordance with Section 172.126(c), Texas Election Code, and rules prescribed by the Texas Secretary of State, appoint one set of election judges and election clerks (not to exceed the maximum number set by the SOS) for each voting precinct from the names submitted by the parties. The presiding judge of each party for each election day precinct shall serve as a co-judge. There will be one early voting ballot board and one set of central counting station judges and clerks, the members of whom will be chosen from the names submitted by the parties. The Contracting Officer must ensure party balance among the polling place election workers, early voting ballot board members, and central counting station judges and clerks.
- 1.3 Notify the election judges of the election and the runoff election in accordance with Section 4.007, Texas Election Code.
- 1.4 Contact the owners or custodians of the designated polling places and arrange for their use in the election and runoff election.
- 1.5 Conduct one or more election schools, and notify the election judges of the date(s), time(s), and place(s) of such schools. (This does not imply that election judges or clerks will be paid for attending such schools. See 1 T.A.C. §§ 81.120(a) & 81.121(c).)
- 1.6 In accordance with Section 172.1112, Texas Election Code, post a notice of the election (and of any runoff election) and a notice of any consolidated precincts, if applicable, on the parties' respective Internet websites. If a party does not maintain a website, the notice must be posted on the bulletin board used for posting notices of meetings of commissioner's court. The notice must contain the information set forth in Section 4.004, Texas Election Code and be posted within the time frame set forth in Section

4.003(b), Texas Election Code.

NOTE: HB 1735 (2017) now requires the county election official to post a notice of the election and a notice of consolidated precincts, if applicable, on the party's website or, if the party does not maintain a website, the bulletin board used for posting notices of meetings of the commissioner's court.

- 1.7 In accordance with Section 172.126(f), Texas Election Code, determine the ballot format and voting system for each election precinct.
- 1.8 Program, or arrange to have programmed, the ballot.
- 1.9 Arrange to have published the legal notice of the first test of the electronic tabulating equipment as provided in Section 127.096, Texas Election Code, and/or the legal notice of the logic and accuracy test of the direct recording electronic ("DRE") voting machines as provided in Section 129.023(b), Texas Election Code, as applicable, and conduct all required tests of the electronic tabulating equipment under Sections 127.096-127.098,

Texas Election Code, the voting system that uses DRE voting machines under 129.021129.023, Texas Election Code, or the voting system that uses other electronic voting systems in accordance with advisories issued by the SOS, respectively.

- 1.10 Procure and distribute all necessary election supplies, including without limitation, ballots, election kits, office supplies such as paperclips, pens, etc., ballot boxes, and voting booths.
- 1.11 Procure all necessary voting machines and equipment, prepare them for use at the early voting and election day polling places, and transport them (or arrange to have them transported) to and from the early voting and election day polling places.
- 1.12 Arrange for the use of a central counting/central accumulation station and for the central counting station manager and tabulating personnel and equipment needed at the counting/accumulation station and assist in the preparation of programs and the test materials for the tabulation of ballots to be used with electronic voting equipment.
- 1.13 Obtain voter registration lists from the voter registrar to be used during early voting and on election day.
- 1.14 In accordance with Section 172.126(a), Texas Election Code, supervise the overall conduct of the joint primary election.
- 1.15 Prepare the unofficial tabulation of precinct results on election night in accordance with Section 172.113, Texas Election Code. Separate election returns must be prepared for each party's primary election.
- NOTE: HB 1735 (2017) now requires the county election officer to prepare an unofficial tabulation of precinct results for the primary election. Additionally, HB 1735 also requires the authority establishing the central counting station to make periodic announcements of the current state of the tabulation including announcements on the county's website (if available).

- 1.16 Submit Election Night Returns ("ENR") electronically to the SOS in the form requested by the SOS in accordance with Chapter 68, Texas Election Code.
- 1.17 Prepare and submit to the SOS an electronic report of the number of votes, including early voting votes, received in each county election precinct by each candidate for a statewide office or the offices of President and Vice-President of the United States, U.S. Representative, state senator, or state representative, in accordance with Sections 67.017 and 172.124, Texas Election Code.

NOTE: HB 1735 (2017) now requires the county election official to deliver this report to SOS no later than the 30th day after primary election day.

- 2. Duties and Services of the Party. The Party shall be responsible for performing the following duties in connection with the election and the runoff election:
 - 2.1 In accordance with Section 172.126(c), Texas Election Code, not later than the second Monday in December preceding the election, deliver to the Contracting Officer a list of the election judges and clerks for the Party, including judges and clerks for the early voting ballot board and the central counting station.
 - 2.2 Appoint in accordance with Sections 127.002, 127.003, and 127.004, Texas Election Code, the counting station manager, tabulation supervisor, and assistants to the tabulation supervisor that usually perform these functions in the county for elections ordered by the governor, the county judge or commissioners court.
 - 2.3 As soon as possible after the final candidate filing deadline (or in the case of a runoff election, after the canvass of the election), certify in writing to the Contracting Officer (i) the candidates' names (as they are to appear on the ballot) and offices, and (ii) any referenda under Section 172.087, Texas Election Code (in English, Spanish, and any other required languages) that are to appear on the ballot, to allow sufficient time to prepare the ballot and to conduct any necessary logic and accuracy testing.

3. Compensation, Billing, and Payment.

3.1 For the performance of duties and services and the providing of equipment and supplies under Paragraph 1 above, the Contracting Officer shall report to the SOS via the SOS prescribed primary finance system the actual expenses he/she incurs in accordance with Section 31.100, Texas Election Code and the leasing fees allowed under Section 123.033 (e) and (f), Texas Election Code, including without limitation, the costs and expenses of election supplies; newspaper publication of the testing notice only; use of voting machines and equipment; wages and salaries of the precinct election judges, alternate judges, and election clerks, members of the early voting ballot board, and central counting station personnel; programming

- the ballot; logic and accuracy testing, and voting machines and equipment transportation. Provided, that nothing herein shall be construed as permitting the Contracting Officer to be paid for costs or expenses for which reimbursement is not allowed under Section 31.100 or other sections of the Texas Election Code or under the SOS administrative rules or advisories relating to primary funds.
- 3.2 For the performance of duties and services and the providing of equipment and supplies under Paragraph 1 above, SOS shall pay the Contracting Officer a fee of 10% of the total amount of the Contract (but not less than \$75) in accordance with Section 31.100(d), Texas Election Code.
- 3.3 Notwithstanding anything to the contrary in this Contract, the Contracting Officer may require that money be paid in advance to conduct the election and the runoff election from SOS, which must be paid into a separate county fund in accordance with Section 31.100(a), Texas Election Code, from which the Contracting Officer may make expenditures for the election and runoff election.
- 3.4 Notwithstanding anything to the contrary in this Contract, the Contracting Officer will receive direct payment of actual expenses incurred by the Contracting Officer in connection with the election or runoff election and in accordance with this Contract from the SOS in accordance with rules and procedures established by the SOS and Section 173.0832, Texas Election Code.

NOTE: HB 1735 (2017) now <u>requires</u> SOS to provide payment of primary expenses directly to the officer who incurs the expense rather than to the county chair.

- 3.5 Notwithstanding anything to the contrary in this Contract, the Contracting Officer may request the Party to pay directly to the precinct election and alternate judges and election clerks, members of the early voting ballot board, and the presiding and alternate judges and clerks of the central counting station the wages and salaries earned by them in connection with the election and runoff election. In this instance, the costs will not be considered election services contracted with the Contracting Authority for purposes of calculating the 10% fee described in Paragraph 3.2 above.
- 3.6 A cost estimate for the services, equipment, and supplies provided by the Contracting Officer for the election and the runoff election is attached to and made a part of this Contract as Exhibit A. The cost estimate should express costs in the categories set forth in the Party's Primary Cost Estimate and the Party's Primary Runoff Cost Estimate and shall be reported to the SOS via the SOS-prescribed primary finance system. The Party and the Contracting Officer acknowledge that the cost of the election and the runoff election is paid for from the state-appropriated primary funds, including candidate filing fees, with the county paying for the cost of early voting in accordance with Section 173.003, Texas Election Code. The Contracting Officer and the Party also acknowledge their responsibility to comply

- with the administrative rules issued by the SOS relative to primary financing, 1 T.A.C. §§ 81.101-81.157.
- 3.7 As soon as reasonably possible after the election or the runoff election, the Contracting Officer will submit an itemized invoice to the Party (i) for the actual expenses he/she incurred as described in Paragraph 3.1 above and (ii) for the Contracting Officer's fee as described in Paragraph 3.2 above and shall be reported to the SOS via the SOS prescribed primary finance system. The invoice shall reflect any advance monies paid under Paragraphs 3.3 and 3.4.
- 4. Early Voting. In accordance with Section 83.002(2), Texas Election Code, the Contracting Officer is the early voting clerk for the election and the runoff election, both with respect to early voting in person and voting by mail. The county shall not be entitled to reimbursement from the Party for the cost of early voting, except for the cost of the ballots and the ballot programming for use of the voting system, as set forth in the administrative rules promulgated by the SOS.
- Voting System. The voting system to be used in the election and runoff election is E-Slate, Hart InterCivic.
- 6. Acknowledgement of Shared Election. The Party acknowledges that the election is a Joint Primary under Section 172.126, Texas Election Code and that the Contracting Officer, in accordance with Section 31.092(e), Texas Election Code, may enter into a similar Joint Primary Election Services Contract with any other political party in the same county that nominates its candidates for office by primary election. In such event, the Party agrees to share common polling places, the cost of ballot programming, voting equipment, and the common set of election workers with the other political party.

7. General Provisions.

- 7.1 Nothing contained in this Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election or to the runoff election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by Section 31.096, Texas Election Code or other provisions of Texas law.
- 7.2 The Contracting Officer is the agent of the Party for purposes of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties, and the Contracting Officer is not liable for the Party's failure to pay a claim.

- 7.3 The Contracting Officer shall file copies of this Contract with the County Treasurer (County Judge, if there is not a County Treasurer) and the County Auditor of Waller County, Texas.
- 7.4 Only the actual expenses directly attributable to the Contract may be charged to the Party by the Contracting Officer, including administrative fees, Section 31.100, Texas Election Code.
- 7.5 Except for statutory duties required of the Contracting Officer, such as those described in Paragraph 4 above, both parties acknowledge that the Party should not request the Contracting Officer to incur expenses in connection with the election and runoff election that are not reimbursable with primary funds under the SOS administrative rules or Texas Statutes and that the Contracting Officer should not incur expenses in connection with the election and runoff election that are not reimbursable with primary funds under the SOS administrative rules or Texas Statutes.
- 7.6 For purposes of implementing this Contract, the Contracting Officer and the Party designate the following individuals, and whenever the Contract requires submission of information or notice to the Contracting Officer or the Party, submission or notice shall be made to these individuals:

For the Contracting Officer:

Waller County Elections Administrator Christy A. Eason 816 Wilkins Street Hempstead, TX 77445 979-826-7643 c.eason@wallercounty.us

For the Party:

Waller County Republican Party

David Luther

7.7 By their signatures below, the Contracting Officer and the Chair of the Party's County Executive Committee warrant and represent that they are authorized to enter into this Contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS ON THE RESPECTIVE DATES SHOWN BELOW:

The Contracting Officer

By	(Seal)
Christy A. Eason	
Elections Administrator, Waller County, TX	
Date:	

The Party

David Luther

Chair, Waller County Republican Party

Date: 1 9 2018

7.7 By their signatures below, the Contracting Officer and the Chair of the Party's County Executive Committee warrant and represent that they are authorized to enter into this Contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS ON THE RESPECTIVE DATES SHOWN BELOW:

(Seal)

The Contracting Officer

Christy A. Eason

Elections Administrator, Waller County, TX

Date:

The Party

David Luther

Chair, Waller County Republican Party

Date: 1 9 201

Prescribed by Secretary of State (Form JRC)
Joint Resolution Contract; Texas Administrative Code rule §81.157
Section 172.126, Texas Election Code 8/2017

JOINT RESOLUTION AND STATISTICAL INFORMATION FOR JOINT PRIMARY

WHEREAS, the Democratic Party of Waller County, Texas, and the Republican Party of Waller County, Texas, desire to enter into a 2018 Joint Primary Election Services Contract with the Waller County Election Administrator, as the County Election Officer. AND WHEREAS, the Commissioners Court of Waller County, Texas desires to give authorization for said Contract.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF WALLER COUNTY, TEXAS, THAT:

Said Commissioners Court authorizes a Joint Contract by and among, Rosa Harris, Democratic Party Chair, and David Luther, Republican County Chair, and Christy A. Eason, Elections Administrator of Waller County, Texas, for the conduct and supervision of the Waller County Joint Primary Election on March 6, 2018 and the Waller County Joint Primary Runoff Election, if necessary, on May 22, 2018.

ignature of Commissioner, Precinct 2

Signature of Commissioner, A

Waller County Republican Party

By: David Luther

PASSED AND APPROVED, THIS BOAY OF January, 2018.

Signature of County Judge

Signature of Commissioner, Precinct 1

Signature of Commissioner, Precinct 3

Waller County Democratic Party By: Rosa Harris

County Election Official

Christy A. Eason, Elections Administrator

DEFENDANTS000111